

#12

35574 - 070015.0223
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Baker
Serial No. : 09/706,590 Examiner: Mark Eashoo
Filed : November 6, 2000 Art Unit: 1732
For : COMPOSITE MATERIALS, ARTICLES OF MANUFACTURE
PRODUCED THEREFROM, AND METHODS FOR THEIR
MANUFACTURE

**PETITION TO REVIVE APPLICATION
PURSUANT TO 37 C.F.R. § 1.137(b)****Express Mail - Label No. EU 938 073 055 US**

April 17, 2003

Assistant Commissioner of Patents
Washington, D.C. 20231

BOX: PETITION

Sir:

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APR 22 2003

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Applicants respectfully petition to revive the above-captioned application in accordance with the provisions of 37 U.S.C. §1.137(b) as the abandonment was unintentional.

This application became abandoned due to a typographical error in the serial number of a timely-filed Response to an Official Action mailed July 22, 2002 for the above-captioned application.

The entire delay from the due date for the Response to the filing of this grantable petition was unintentional. Attorneys for Applicants had believed that a Response to the Official Action had been timely filed in the above-captioned application, whereas it had not been due to a typographical error in the serial number. In particular, Attorneys for Applicants filed a Response to the Official Action on January 22, 2003, within the six-month period for filing a response;

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however, Attorneys for Applicants inadvertently identified the above-captioned application as U.S. Patent Application Serial No. 09/708,590, rather than U.S. Patent Application Serial No. 09/706,590, which is the correct serial number for the above-captioned application. Enclosed is (1) a postcard bearing the USPTO stamp dated January 28, 2003 U.S. Patent Application Serial No. 09/708,590. In the course of a telephone conversation on April 11, 2003, Examiner Mark Eashoo informed attorney Andrea Dorigo that the Application was abandoned.

Also enclosed are: (2) the originally-filed January 22, 2003 Response to the Official Action of July 22, 2002; and (3) a re-captioned, re-dated Response to the Official Action of July 22, 2002; and (4) the required fees for the submission of this Petition to Revive Application Pursuant to 37 C.F.R. §1.137(b) in the amount of \$1,300.00. It is respectfully submitted that the fees for the submission of the Response to the Official Action of July 22, 2002, in the amount of \$930.00, were already paid upon submission of the originally-filed Response of January 22, 2003, and that therefore no additional fees are required.

Applicants respectfully request (i) that this promptly filed petition to revive the above-captioned application in accordance with 37 U.S.C. §1.137 be granted, (ii) that the revived application in its entirety be accorded the benefit of its filing date of November 6, 2000, and (iii) that the revived application be allowed to continue prosecution. Because a Response was, in fact, timely filed, Applicants further request a refund of the fee for this Petition to Revive.

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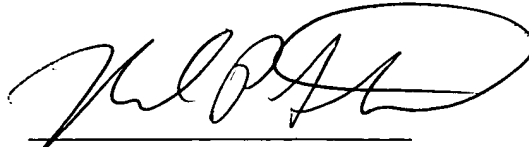
PATENT

The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 02-4377.

Two copies of this page are enclosed.

Respectfully submitted,

BAKER BOTTS, LLP.

A handwritten signature in black ink, appearing to read 'Neil P. Sirota', written over a horizontal line.

Neil P. Sirota

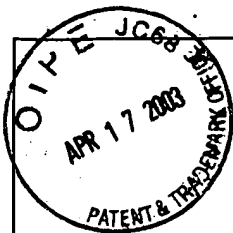
Patent Office Reg. No. 38,306

Dated: April 17, 2003

Attorneys for Applicants
(212) 408-2500

04-18-03

DAE#



CERTIFICATION UNDER 37 C.F.R. 1.8(a) OR 1.10*

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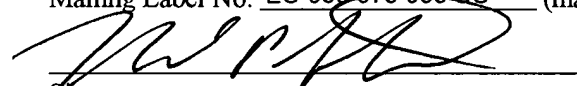
☒ deposited with the United States Postal Service in an envelope addressed to the Assistant Commissioner for Patents, Washington D.C. 20231.

37 C.F.R. 1.8(a)

☐ with sufficient postage as first class mail.

37 C.F.R. 1.10*

☒ as "Express Mail Post Office to Address"
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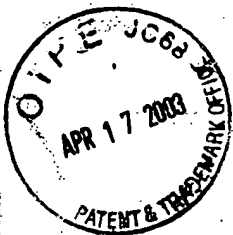

Signature

Date: April 17, 2003

Neil P. Sirota

(type or print name of person certifying)

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"Since the filing of correspondence under § 1.10 without the Express Mail label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition. "Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.



In Re:	Baker	09/708,590
	(Applicant)	(Serial No.)
In Re:	Amendment*	A35574
	1-22-03	(070015.0223)
	(Title of Paper)	(Date)
		(File No.)

The stamp of the Patent Office Mail Room hereon acknowledges the receipt of the above-identified papers on the date indicated by such stamp.

*Encl.: Transmittal Form, Fee Transmittal, Petition For Extension of Time Under 37 CFR 1.136(a), Check for \$930.00, CM



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